

The Gazette of India



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NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 23rd January 1951 :—

S. No.	No. and Date	Issued by	Subject
1	S. R. O. 62, dated the 15th January 1951.	Ministry of Information and Broadcasting.	Constitution of the Central Board of Film Censors Constituted by the Central Government.
	S. R. O. 63, dated the 15th January 1951.	Ditto.	Amendments made in the Cinematograph (Censorship) Rules 1951.
	S. R. O. 64, dated the 15th January 1951.	Ditto.	Certain appointments made by the Central Government in the Cinematograph (Censorship) Rules 1951.
2	S. R. O. 65, dated the 15th January 1951.	Ministry of Agriculture.	Fixation of retail price of sugar cube throughout India except the State of Jammu and Kashmir.
3	S. R. O. 66, dated the 15th January 1951.	Ministry of Industry and Supply.	Fixation of maximum prices for Certain varieties of Soda Ash.
4	S. R. O. 67, dated the 15th January 1951.	Ministry of Law.	The Constitution (Removal of difficulties) Order No. VII (Amendment) Order.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF LAW

New Delhi, the 19th January, 1951.

S.R.O. 102.—In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (XLIII of 1950), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in

**the Representation of the People (Preparation of Electoral Rolls) Rules, 1950,
namely:—**

1. In rule 2A, for the word and figures "9, 10 and 11, the word and figures "7, 9, 10, 11 and 16" shall be substituted.
2. In sub-rule (1) of rule 14, for the words, brackets and figures "authorised by him under sub-rule (1) of rule 11" the words "presenting the claim or objection" shall be substituted.

[No. F.10/51-C.]

K. V. K. SUNDARAM, Secy.

New Delhi, the 16th January 1951

S.R.O. 103.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Ministry of Law No. F. 35-I/50-L, dated the 26th January, 1950 relating to the execution of contracts and assurances of property, namely:—

In the said notification in Part XX, under Head B, for item 1 the following item shall be substituted, namely:—

- (a) Contracts for the supply of Stationery (and bonds of employees when it is necessary that they should be executed by the obligee), etc. to the Controller of Printing and Stationery, India; by the Controller of Printing and Stationery, India or the Deputy Controller, Stationery, Calcutta, or the Assistant Controller, Stationery (Purchase).
- (b) Contracts for printing work; by the Controller of Printing and Stationery, India or the Deputy Controller, Printing, or the Assistant Controllers, Printing or the Assistant Controller, Outside Printing, Calcutta."

[No. F.35-I/51-L.]

New Delhi, the 20th January 1951

S.R.O. 104.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that the following further amendments shall be made in the notification of the Government of India in the Ministry of Law No. F. 35-I/50-L, dated the 26th January, 1950, relating to the execution of contracts and assurances of property, namely:—

1. In Part IV of the said notification, under Head E:—

(i) For item 3, the following item shall be substituted, namely:—

3. Agreements with trainees at the Flying Clubs and the Civil Aviation Training Centres, Sharapur and Allahabad and trainees under any other scheme of training approved by the Government of India; by the Director General of Civil Aviation and the Deputy Directors General of Civil Aviation."

(ii) After item 3, the following item shall be added, namely:—

4. Security bonds for the due performance of their duties by Government servants; by the Director of Administration."

2. In Part X of the said notification:—

(i) For Head D, the following Head shall be substituted, namely:—

"D.—In the case of the Opium Department:—

1. All contracts, deeds or other instruments relating to the business of the Office of the Narcotics Commissioner; by the Narcotics Commissioner.

2. Security bonds in connection with the employment of office cashiers and other subordinates who are required to handle Government money in the course of their official work; by the Narcotics Commissioner.

3. Contracts for the purchase, supply and conveyance or carriage of building materials and stores and contracts for petty construction and repairs and for public works of every description which are not executed by the Public Works Department; by the Manager of the Factory, Ghazipur or the Chief Opium Officer, Neemuch.

4. Contracts for the supply of weighment articles and leases of agricultural land attached to opium buildings within the jurisdiction of District Opium Officers; by the District Opium Officers.

5. Contracts for miscellaneous stores, chemicals and apparatus, mangewood chests, plant and scantlings for packing of opium; by the Manager of the Factory, Ghazipur or the Chief Opium Officer, Neemuch.

6. Contracts and other instruments relating to the business of the Opium Department other than those specified in items 1, 2, 3, 4 and 5 above; by the Deputy Collector of Central Excise (Opium) or the Narcotics Commissioner."

(ii) After Head D, the following Heads shall be added, namely:—

"E.—In the case of the Directorate of Inspection (Income-tax):—

Security bonds in connection with the employment of office cashiers and other subordinate staff who are required to handle Government money in the course of their official work; by the Director of Inspection (Income-tax).

F.—In the case of the Directorate of Inspection (Customs and Central Excise):—

Security bonds in connection with the employment of office cashiers and other subordinates who are required to handle Government money in the course of their official work; by the Director of Inspection (Customs and Central Excise)."

3. In Part XIX of the said notification:—

(i) For Head A, the following Head shall be substituted, namely:—

"A—Contracts and other instruments relating to the Port of Cochin and matters concerning its ordinary administration and working:—

1. (a) Security bonds for the due performance of their duties by Civil servants whom the Administrative Officer has power to appoint;

(b) All instruments relating to advances for the purchase of conveyances; and

(c) All agreements with temporary establishments; by the Administrative Officer or the Chief Engineer, Cochin Port.

2. All contracts, deeds and instruments not exceeding Rs. 10 lakhs in value for the execution of works chargeable to Capital or Depreciation Fund or Renewals and Replacement Fund and Rs. 1,00,000/- in the case of works chargeable to Revenue Funds of the Ports; by the Administrative Officer, Cochin Harbour.

3. All contracts, deeds and instruments not exceeding Rs. 1,00,000/- in value for the execution of works chargeable to Capital or Depreciation Fund or Renewals and Replacement Fund and Rs. 50,000/- in the case of works chargeable to the Revenue Funds of the Port; by the Chief Engineer, Cochin Port.

4. All contracts, deeds and instruments not exceeding Rs. 25,000/- in value for the execution of works chargeable to Capital or Depreciation Fund or Renewals and Replacement Fund and Rs. 10,000/- in the case of works chargeable to the Revenue Funds of the Port; by the Executive Engineer or the Mechanical Superintendent of the Port of Cochin.

5. Leases of Harbour Land, Storage Sheds, Godown and other buildings, grass, usufruct of trees and grazing and renewal of such leases provided that the period of each lease or each separate renewal does not exceed three years and the rent reserved does not exceed Rs. 5,000/- a month; by the Administrative Officer, Cochin Harbour.

6. All contracts for the handling of goods and merchandise not exceeding Rs. 1,00,000/- in value; by the Administrative Officer, Cochin Harbour.

7. All agreements relating to the salvage of vessels in distress and cargo therein; by the Port Officer, Cochin Port.

8. All contracts for the lending of tools, plant, equipment and machinery to contractors and others not exceeding Rs. 5,000/- in value; by the Chief Engineer, Cochin Port.

9. All contracts, deeds and instruments not hereinbefore specified; by the Secretary to the Central Government in the Ministry of Transport."

(ii) For item 4 under Head B, the following item shall be substituted, namely:—

"4. Leases of Harbour Land, Storage Sheds, Godown and other buildings and renewal of such leases provided that the period of each lease or each separate renewal does not exceed three years and the rent reserved does not exceed Rs. 5,000/- a month; by the Resident Engineer, Kandla or Chief Engineer, Kandla Port."

[No. F. 35-I/51-L.]

SHRI GOPAL SINGH, Dy. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 17th January 1951

S.R.O. 105.—In exercise of the powers conferred by Section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to exempt Shri D. L. Kulkarni, Additional District Superintendent of Police, Ahmedabad City from the prohibitions and directions contained in section 6 of the said Act in respect of one 9 mm. pistol and one hundred .38 cartridges.

[No. 9/161/49-Police-I]

R. N. PHILIPS, Under Secy.

MINISTRY OF STATES

New Delhi, the 17th January 1951

S.R.O. 106.—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends to the State of Himachal Pradesh, the Punjab Pure Food Act, 1929 (Punjab Act VIII of 1929), as in force for the time being in the State of Punjab, subject to the following modifications, namely:—

1. Throughout the Act, for the words "Provincial Government", the words "Chief Commissioner" shall be substituted.
2. In sub-section (2) of section 1, sub-section (5) of section 7 and sub-section (4) of section 22, for the word "Punjab", the words "Himachal Pradesh" shall be substituted.
3. Sub-section (5) of section 22 shall be omitted.

THE PUNJAB PURE FOOD ACT, 1929, AS ADAPTED

PUNJAB ACT NO. VIII OF 1929

(Received the assent of His Excellency the Governor on the 15th January, 1930, and that of His Excellency the Viceroy and Governor-General on the 31st January 1930, and was first published in the Punjab Government Gazette of the 7th February 1930.)

1	2	3	4
Year	No.	Short Title.	Whether repealed or otherwise affected by legislation.
1929	VIII	The Punjab Pure Food Act, 1929.	Amended in part, Govt. of India (Adaptation of Indian Laws, Order, 1937.

An Act to make better provision for the control of the preparation and sale of food in the Punjab.

WHEREAS it is expedient to make better provision in the Punjab Preamble for the control of the preparation and sale of food, and whereas the previous sanction of the Governor-General under section 80-A(3) of the Government of India Act has been obtained; it is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Punjab Pure Food Act, 1929.

(2) It shall extend only to such areas in the Punjab as the Provincial Government may by notification direct.

In extending the Act the Provincial Government may extend it in respect of any specified articles of food, or generally in respect of all articles of food.

(3) It shall come into force in each area to which it is extended on such date as the Provincial Government may by notification appoint in this behalf:

2. **Repeal of the Punjab Adulteration of Food Act, 1919.**—The Punjab Adulteration of Food Act, 1919, is hereby repealed.

3. In this Act unless there is anything repugnant in the subject (*Definitions*) or context:

- (a) "Banaspatine" means any article of food, whether mixed with ghi or not, which resembles ghi but is derived from vegetable fat and contains no animal fat other than milk fat;
- (b) "Charbini" means any article of food, whether mixed with ghi or not, which resembles ghi or banaspatine, but contains animal fat other than milk fat;
- (c) "Food" includes every article used for food or drink by man other than a drug and any article which enters into the composition or is used in the preparation of any such article and also includes flavouring and colouring matters and condiments;
- (d) "Inspector" means an Inspector appointed under the provisions of section 6;
- (e) "Package" includes every article in which goods for carriage or for sale are cased, covered, enclosed contained or packed;
- (f) "Prescribed" means prescribed by rules made under this Act;
- (g) "Public Analyst" means an analyst appointed under the provisions of section 5;
- (h) "Sale" means a transfer of ownership in exchange for a price paid or promised, or part paid or part promised, and includes barter, or offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale, and refers only to sale for human consumption or use.

4. Meaning of adulteration.—For the purposes of this Act any food shall be deemed to be adulterated.

- (i) If it contains or is mixed or diluted with any substance which diminishes in any manner its nutritive or other beneficial properties as compared with such food in a pure and normal state or which in any other manner operates or may operate to the prejudice or disadvantage of the purchaser or consumer;
- (ii) if any substance or ingredient has been extracted or remitted therefrom, and by reason of such extraction or omission the nutritive or other beneficial properties of the food as sold are less than those of the article in its pure and normal state, or the purchaser or consumer is or may be in any other manner prejudiced thereby;
- (iii) if it contains or is mixed or diluted with any substance of lower commercial value than such food in a pure and normal state;
- (iv) if it does not comply with the standard prescribed by any rules made under this Act.

5. Appointment Public Analysts.—The Provincial Government may, from time to time, by notification appoint persons to be public Analysts for the purposes of this Act, for the whole or any part of the province, in respect of all articles of food, or any specified article of food, and may at any time by notification cancel any such appointment.

6. Appointment of Inspectors.—(1) The Provincial Government may, and any local authority may, and, if so required by the Provincial Government shall, from time to time by order in writing, appoint persons to be Inspectors for the purposes of this Act, and may at any time, by order in writing cancel any such appointment, provided that if such appointment was made by a local authority on the requirement of the Provincial Government such appointment shall not be cancelled except with the sanction of the Provincial Government.

(2) An Inspector appointed by the Provincial Government under the provisions of sub-section (1) may exercise the powers and perform the functions of an Inspector under this Act throughout the province or in such area as the Provincial Government may direct.

(3) An Inspector appointed by a local authority under the provisions of sub-section (1) may exercise the powers and perform the functions of an Inspector under this Act throughout the area over which such local authority has jurisdiction or in such part of such area as the local authority may direct.

(4) The Director of Public Health may exercise the power, and perform the functions of an Inspector under this Act throughout the province, and an Assistant

Director of Public Health may exercise such powers and perform such functions throughout his circle.

7. General powers of Inspectors.—(1) An Inspector may—

- (a) at such reasonable times as may be prescribed enter into and inspect any place ordinarily used for the sale of food where there is any food which he has reasonable ground for believing to be intended for sale;
- (b) inspect any food, found in any such place or in any other place to which the public has access, which he has, reasonable ground for believing to be intended for sale;
- (c) seize in such manner as may be prescribed any food, so found, which is or appears to be injurious to health; and
- (d) destroy in such manner as may be prescribed any food, so found, which is decayed or putrefied.

(2) On seizing any food under clause (c) of sub-section (1) or taking possession of any food with a view to destroying it under clause (d) the Inspector shall immediately tender to the person from whom he seizes or takes possession of such food a receipt in such form as may be prescribed.

(3) Any person claiming anything seized under clause (c) of sub-section (1) may within such time as may be prescribed complain thereof to any magistrate of the first or second class having jurisdiction at the place of seizure who after making such enquiry as he may deem necessary may either confirm or disallow such seizure wholly or in part or may order the article to be restored.

(4) If within such time as may be prescribed no complaint has been made, or if such seizure is confirmed, the article seized shall be confiscated and shall be destroyed or otherwise disposed of so as to prevent its being used for human consumption.

(5) Where the seizure of any food is made in the absence of the owner of the thing seized or of his agent the Inspector making the seizure shall forthwith give notice in writing of the seizure to any person whose name and address are attached to the thing seized or are otherwise known to the Inspector as the name and address of the owner of the thing seized or of the agent of such owner:

Provided that such address is in the Punjab.

(6) Any person who obstructs any Inspector in the exercise of his powers under this section shall, on conviction by a magistrate, be punishable with fine which may extend to five hundred rupees.

8. Power to demand select and take samples.—(1) On payment or tender to any person selling any food or making any food intended for sale, or to his agent, or servant, of the current market value of the sample hereinafter mentioned, any Inspector may at any place demand and select and take or obtain a sample of the said food for the purposes of analysis and may require the said person or his agent or servant to show and permit the inspection of the package in which such food is at the time kept, and to take therefrom the sample demanded, provided that, where any food is kept for sale in an unopened package, no person shall be required by any Inspector to sell less than the whole contents of such package.

9. Any person may have sample analysed.—Any person may, on payment of the prescribed fee, together with the cost of the sample, require any Inspector to purchase a sample of any food in accordance with the provisions of section 8 and to submit the same for analysis.

10. Samples, how taken.—(1) When it is intended to submit any sample for analysis, the Inspector purchasing or otherwise procuring it shall before or forthwith after procuring it, inform the seller or his agent selling the article that he intends to have the same analysed by a public Analyst, and shall thereupon divide the sample into three parts, and shall fasten up each such part as its nature permits and shall mark and seal the same and shall tender one of such parts to the seller or his agent, and shall subsequently deliver another of such parts to a Public Analyst and shall retain the third of such parts.

(2) Delivery to a Public Analyst under sub-section (1) may be effected either personally or by registered post or by rail.

11. Certificate of Analyst.—(1) The Public Analyst, to whom any food has been delivered under section 10 by any Inspector, shall in due course, forward to such Inspector a certificate in the form prescribed in the Schedule, specifying the result of his analysis.

(2) Where any method has been prescribed by rules made under this Act, for the analysis of any food, every Public Analyst shall, in his certificate of analysis, declare that he has followed the prescribed method in his analysis.

(3) A copy of such certificate may be obtained from the Public Analyst by the person from whom the article so analysed was purchased or obtained on payment of a fee not exceeding two rupees.

(4) No person shall display any such copy of his premises or use such copy as an advertisement, and any person so displaying or using it shall, on conviction, be punishable with a fine which may extend to one hundred rupees.

(5) Any document purporting to be a certificate under the hand of a Public Analyst, may be used as evidence of the facts therein stated in any enquiry, trial or other proceeding under this Act;

Provided that any court before which a case under this Act is pending, whether exercising original, appellate or revisional jurisdiction, may, at the request either of the accused, or of the complainant or of its own motion, cause any food to be sent for analysis to the Chemical Examiner to Government, who shall thereupon analyse the same and report the result of such analysis to the said court, and the expenses of such analysis shall be paid by the accused, or the complainant, as the court may direct, and the provisions of sub-section (4) shall apply in respect of the report of the Chemical Examiner.

12. Onus of proof.—(1) In any prosecution under this Act the court may presume—

- (a) that a person sold or intended to sell a food if such person sold or intended to sell for human consumption or use any article of which such food is a constituent;
- (b) that any food found in the possession of a person, who is in the habit of manufacturing a like food for sale, is in his possession for purposes of sale.

(2) The purchase or sale of a sample of any food under the provisions of this Act for the purposes of analysis shall be deemed to be a purchase or sale of such food for human consumption or use unless the seller proves that the bulk from which such sample was taken was not offered, exposed or intended for sale for human consumption or use.

13. Offences under the Act.—(1) No person shall—

- (a) sell any adulterated food unless he has complied with such rules as may be prescribed in this behalf;
- (b) sell any food containing or prepared with banaspatine or charbini unless he has complied with such rules as may be prescribed in this behalf;
- (c) sell any food in any package which bears or has attached thereto any false or misleading statement, word, brand, label, or mark purporting to indicate the nature, quality, strength, purity, composition, weight, origin, age or proportion of the article contained in the package or of any ingredient thereof;
- (d) sell any food containing any substance the addition of which is prohibited by rules made under this Act, or containing a greater proportion of any substance than is permitted by such rules;
- (e) sell any food under the name of "ghi" or any equivalent term with or without the addition of any other word to such name unless such food is derived solely from milk fat;
- (f) sell any banaspatine or charbini on the same premises on which he sells "ghi";
- (g) sell any food which is unfit for human consumption.

(2) No person shall sell, whether wholesale or retail, or forward by any public conveyance any banaspatine or charbini unless:

- (a) every package containing banaspatine or charbini, whether open or closed, bears the words "Banaspatine" or "Charbini", as the case may be, durably marked in English on the top, bottom and sides thereof, the mark being on the package itself, and not solely on a label, ticket or other thing attached thereto and in such other manner or language as may be prescribed;
- (b) there is attached to every package of banaspatine or charbini exposed for sale by retail in such manner as to be clearly visible to the

purchaser a label marked "Banaspatine" or "Charbini" as the case may be, in red letters on a white ground in such language as may be prescribed.

(3) No person selling banaspative or charbini shall deliver to a customer a portion of banaspative or charbini in any package unless the word "Banaspatine" or "Charbini", as the case may be, is printed on the outside of such package in red letters in such language as may be prescribed.

(4) No person selling banaspative or charbini shall describe the substance being sold on any wrapper enclosing it, or on any package containing it, or on any label attached to a parcel thereof, or in any advertisement or invoice thereof, by any name other than either "Banaspatine" or "Charbini" as the case may be, or a name combining the word "Banaspatine" or "Charbini" as the case may be, with a fancy or other descriptive name approved by the Provincial Government and printed in type not larger than, and in the same colour as the word "Banaspatine" or "Charbini" as the case may be.

(5) Any person who sells any food in contravention of sub-section (1) or (2) or who contravenes the provisions of sub-section (3) or (4) shall be punishable—

- (a) In the case of a first offence with a fine which may extend to Rs. 250; and
- (b) in the case of a second offence with a fine not exceeding Rs. 500; and
- (c) in the case of a subsequent offence with a fine not exceeding Rs. 1,000, or if, in the opinion of the court, the offence was committed by the personal act, default or culpable negligence of the person accused, and the court is of opinion that a fine will not meet the circumstances of the case, with imprisonment of either description which may extend to six months or with both.

14. Places used for certain purposes in connection with banaspative or charbini, butter and ghi to be licensed—penalties for non-compliance.—(1) No place shall be used—

- (a) for the manufacture or preparation of banaspative or charbini;
- (b) for the business of a wholesale dealer in banaspative or charbini;
- (c) as a butter or ghi factory, that is to say, premises in which by way of trade butter or ghi is blended, re-worked or subjected to any other treatment, but not so as to convert it into any substance other than butter or ghi, as the case may be;

except under licence to be granted in such manner as may be prescribed—

Provided that the Provincial Government may exempt from the operation of this section any premises or class of premises described in clause (c).

(2) No place shall be used as a butter or ghi factory if it forms part of, or communicates otherwise than by a public street or road with, any other place which is required to be licensed under clause (a) or clause (b) of sub-section (1).

(3) (a) Any person who carries on, or abets the carrying on of, any manufacture, trade or business in any place described in sub-section (1) which has not been duly licensed; and

(b) Any person who uses, or abets the using of any premises as a butter or ghi factory in contravention of sub-section (2); shall be punishable;

- (a) in the case of a first offence with a fine which may extend to Rs. 250; and
- (b) in the case of a second offence with a fine not exceeding Rs. 500; and
- (c) in the case of a subsequent offence with a fine not exceeding Rs. 1,000, or if, in the opinion of the court the offence was committed by the personal act, default or culpable negligence of the person accused, and the court is of the opinion that a fine will not meet the circumstances of the case, with imprisonment of either description which may extend to six months or with both.

15. Registers to be kept by manufacturers of, and dealers in banaspative or charbini—penalties for non-compliance.—(1) Every person who uses any place for the manufacture of banaspative or charbini, and every wholesale dealer in banaspative or charbini, shall keep a register in the prescribed form which shall be open at all reasonable times to the inspection of any Inspector.

- (2) Any such manufacturer or wholesale dealer who—
 (a) fails to keep such a register; or
 (b) refuses to produce the register when required to do so by any Inspector; or
 (c) fails to keep the register posted up to date; or
 (d) intentionally makes any entry in the register which is false in any particular; or
 (e) fraudulently omits to enter any particular which ought to be entered in the register;

shall be punishable—

- (a) in the case of a first offence with a fine which may extend to Rs. 250; and
 (b) in the case of a second offence with a fine not exceeding Rs. 500; and
 (c) in the case of a subsequent offence with a fine not exceeding Rs. 1,000, or if, in the opinion of the court, the offence was committed by the personal act, default or culpable negligence of the person accused, and the court is of the opinion that a fine will not meet the circumstances of the case, with imprisonment of either description which may extend to six months or both.

16. Sales by Agent or servant.—For the purposes of this Act any person shall be deemed to sell any food who sells the same either on his own account or as the agent or servant of any other person.

17. Forfeiture of food upon conviction.—In the case of any conviction under this Act the convicting magistrate may order that any food to which the conviction relates, and which has been found to be unfit for human consumption, together with all packages or the vessels containing the same, shall be confiscated and disposed of as the magistrate may direct.

18. Expenses of analysis to be paid by offenders on conviction.—When any person is convicted of an offence under this Act, the magistrate may order that all fees and other expenses incident to the analysis of any food in respect of which the conviction is made shall be paid by the person convicted, in addition to the fine, if any, to which he may be sentenced, and the amount of such fees and expenses may be recovered as if it were a fine.

19. Power to institute prosecutions.—No prosecution under this Act shall be instituted except on the complaint of an Inspector authorized in his behalf by a general or special order of the Director of Public Health or of the local authority which appointed such Inspector, as the case may be.

20. Jurisdiction of third class magistrates excluded.—No magistrate of the third class shall take cognizance of any offence under this Act unless empowered by a general or special order in this behalf by the Provincial Government.

21. Suits against Inspectors.—No suit shall be instituted against an Inspector in respect of any act purporting to be done in his official capacity until the expiration of one month next after a notice in writing has been delivered to him, or left at his office or place of abode, stating the cause of action, name and place of abode of the intending plaintiff, and the plaint must contain a statement that such notice has been so delivered or left, provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

22. Power to make rules.—(1) The Provincial Government may make rules after previous publication, for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Provincial Government may make rules for all or any of the following purposes, namely:—

- (a) regulating the qualifications of persons who may be appointed Public Analysts for the purposes of this Act;
 (b) regulating the appointment and qualifications of persons to be appointed as Inspectors under this Act;

- (c) prescribing the methods of analysis to be followed by Public Analyst for the analysis of any food;
- (d) fixing the fees to be paid in respect of the analysis of any food by a Public Analyst;
- (e) prescribing the conditions under which adulterated food may be sold, and, if such conditions require the posting of a notice, the form of such notice;
- (f) prohibiting the addition of any substance, or of more than a specified proportion of any substance, to any food;
- (g) prescribing the standard with which any food must comply if it is not to be deemed adulterated under the provisions of section 4;
- (h) prohibiting any modes of manufacture, preparation or preservation of any food;
- (i) securing the cleanliness and freedom from contamination of any food in the course of its manufacture, preparation, storage, packing, carriage, delivery or exposure for sale, and securing the cleanliness of places, receptacles, packages, wrappings, appliances and vehicles used in such manufacture, preparation, storage, packing, carriage or delivery;
- (j) prescribing the mode of labelling food sold in packages;
- (k) prescribing the manner in which a licence is to be granted under section 14;
- (l) prescribing the form, and the particulars to be entered in the register required by section 15.

(3) In making any rules under sub-sections (1) and (2) the Provincial Government may direct that a breach of the provisions thereof shall be punishable—

- (a) in the case of a first offence with a fine which may extend to Rs. 250; and
- (b) in the case of a second offence with a fine not exceeding Rs. 500; and
- (c) in the case of a subsequent offence with a fine not exceeding Rs. 1,000, or if, in the opinion of the court, the offence was committed by the personal act, default or culpable negligence of the person accused; and the court is of the opinion that a fine will not meet the circumstances of the case, with imprisonment of either description which may extend to six months or with both.

(4) Notwithstanding anything contained in any rule made under sub-section (1), it shall be lawful for any person, at any time within twelve months after the date of the notification of such rule, to sell any food, the sale of which is otherwise lawful, if he proves that at the said date such food was part of the existing stock in trade in the Punjab of any person carrying on business there and that since the said date no act has been done whereby the said food fails to conform to the requirements of the said rule.

(5) Before making any rules under the provisions of this section, the Provincial Government shall, in addition to observing the procedure laid down in section 21 of the Punjab General Clauses Act, 1898, published by notification a draft of the proposed rules, for the information of persons likely to be affected thereby at least thirty days before a meeting of the Punjab Legislative Assembly. The Provincial Government shall defer consideration of such rules until after the meeting of the Punjab Legislative Assembly next following the publication of the draft in order to give any member of the Assembly an opportunity to introduce a motion for discussing the draft.

SCHEDULE

Form of Certificate

[Admissible as evidence under section 11 (5) of the Punjab Pure Food Act, 1929]

*To

I , Public Analyst
for the , do hereby certify that I received
on the day of 19 from
personally/by post/by a packet said to contain a sample of analysis (alleged* to have been despatched by him on the 19). for day of

2. The packet was sealed with seals bearing the impression on the invoice hereunto attached, and the seals were opened in my presence, and the contents of the packet were duly examined by me, and remained under my immediate custody until the analysis was completed.

3. I have analysed the said sample, and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of (genuine) which conforms (or does not conform) to the standard of prescribed by the rules made under the Punjab Pure Food Act, 1929, in the following respects:—

Signed this day of 19 A. B. at

*Here insert the name of the person submitting the article for analysis.

Here insert the name of the person delivering the packet or if received by post or railway the name of the sender.

Not to be filled up if the packet is delivered personally.

[No. 9-J]

New Delhi, the 18th January 1951

S.R.O. 107.—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends to the State of Himachal Pradesh the Punjab Trade Employees Act, 1940 (Punjab Act X of 1940), as at present in force in the State of Punjab subject to the following modifications, namely:—

1. Throughout the Act, except where otherwise specifically provided, for the words "Provincial Government" the words "Chief Commissioner" shall be substituted.
2. For sub-section (2) of Section 1, the following shall be substituted:—
"(2) It shall come into force at once."
3. For sub-section (3) of Section 1, the following shall be substituted:—
"(3) It shall apply to such places as the Chief Commissioner, Himachal Pradesh, may by notification in the official Gazette direct in this behalf."
4. Clause (i) of sub-section (1) of Section 2, shall be omitted.
5. In clause (a) of Section 2A, for the words "Central or Provincial Government" the words "The Central or State Government" shall be substituted.
6. In Section 17, for the word "Crown" the word "Government" shall be substituted.

ANNEXURE

The Punjab Trade Employees Act, 1940 (X of 1940), as amended by States Ministry's Notification No. 11-J dated January 18, 1951.

THE PUNJAB TRADE EMPLOYEES ACT, 1940

¹[PUNJAB ACT NO. X OF 1940]

[Received the assent of His Excellency the Governor on the 3rd June 1940, and was first published in Government Gazette (Extraordinary), Punjab, of the 7th June 1940.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1940	X	The Punjab Trade Employees Act, 1940 ¹ .	Amended, Punjab Act, X of 1943 ² .

Preamble

An Act to limit the hours of work of shop assistants and commercial employees and to make certain regulations concerning their holidays, wages and terms of service.

* * * *

It is hereby enacted as follows:³—

1. Short title and commencement.—(1) This Act may be called the Punjab Trade Employees Act, 1940.

(2) It shall come into force at once.

(3) It shall apply to such places as the Chief Commissioner, Himachal Pradesh may, by notification in the official Gazette direct in this behalf.

2. Definitions.—(1)⁴ In this Act, unless there be anything repugnant in the subject or context—

* * * *

(b) “close day” means the day of the week on which a shop or a commercial establishment remains closed;

(c) “closing hour” means the hour at which a shop or commercial establishment closes;

⁵(d) “commercial establishment” means any premises wherein any trade or business is carried on for profit; the expression includes journalistic and printing establishments and premises in which business of

¹For Statement of Objects and Reasons see Punjab Government Gazette, (Extraordinary); 1939, page 148; for Select Committee's Report see *ibid*, 1939, Part V, pages 118—31 and for Proceedings in Assembly see Punjab Legislative Assembly Debates 1939-40, Vol. X, pages 63—77 and 1460, and Vol. XIII, pages 1161—91, 1206—37. It came into force on 1st March 1941,—vide Punjab Government notification No. 436-I&L-41/3860, dated 22nd January 1941.

²For Statement of Objects and Reasons see Punjab Government Gazette, Part I, 1942, pages 1370-71; for Select Committee's Report see *ibid*, Part V, 1943, pages 83—93; for Proceedings in Assembly see Punjab Legislative Assembly Debates, 1943, proceedings, dated 26th March 1943 and 2nd November 1943.

³Substituted by Punjab Act X of 1943, section 2, for the words:—

“WHEREAS it is expedient to regulate the hours of employment of persons who are employed about the business of shops or commercial establish-

Preamble ment; it is hereby enacted as follows:—”

⁴Renumbered as sub-section (1) by Punjab Act X of 1943, section 3.

⁵Paragraph (a) omitted by Punjab Act X of 1943, section 3.

⁶Substituted by Punjab Act X of 1943, section 3.

banking, insurance, stocks, and shares, brokerage or produce exchange is carried on or which are used as theatres, cinemas and for other public entertainments, but it does not include any portion of a factory other than the clerical department thereof or any shop;]

¹[(e) "employee" means any person employed about the business of a shop or commercial establishment for the owner or occupier even though he receives no reward for his labour; and "employed" has a corresponding meaning;]

¹[(f) "employer" means the owner of any shop or commercial establishment about the business of which persons are employed, and where the business of such shop or commercial establishment is not directly managed by the owner, means the manager, agent, or representative of such owner in the said business;]

(g) "factory" has the meaning assigned to it in the Factories Act, 1934, Act XXV of 1934;

(h) "family" means an employer's—

(i) wife,

(ii) legitimate children and step-children less than fourteen years old;

(iii) legitimate children and step-children not less than fourteen years old, if residing with and wholly dependent upon him; and

(iv) parents, sisters and minor brothers if residing with and wholly dependent upon him;

¹[(j) "hours of work" or "working hours" means the time during which the persons employed are at the disposal of the employer exclusive of any interval allowed for rest and meals; and "hours worked" has a corresponding meaning;]

¹[(k) "occupier" means a person owning or having charge of the business of a shop or commercial establishment and includes the manager, agent or representative of the such occupier;]

(l) "opening hour" means the hour as which a shop or commercial establishment opens;

(m) "prescribed" means prescribed by rules made under this Act;

¹[(n) "religious festival" means any festival which the Chief Commissioner may, by notification, declare to be a religious festival for the purposes of this Act;]

(o) "retail trade or business" includes the business of a barber or hairdresser, the sale of refreshments or intoxicating liquors, and retail sales by auction;

(p) "shop" includes any premises where any retail or wholesale trade or business is carried on and includes all offices, warehouses or godowns which are used in connection with such trade or business; * 2* *

(q) "summer" means the period covering the months of April, May, June, July, August and September;

(r) "week" means the period between midnight on Saturday and midnight on the following Saturday;

(s) "winter" means the period covering the months of October, November, December, January, February and March;

³[(ss) "young person" means a person who has not attained the age of fourteen years.]

³[(2) For the purposes of this Act, any employment in the service of the occupier of a shop or commercial establishment upon any work, whether within the shop or commercial establishment or outside it, which relates to or is connected with or is ancillary to the business carried on at the shop or commercial establishment shall be deemed to be employment about the business of the shop or commercial establishment.]

¹Substituted by Punjab Act X of 1943, section 3.

²The word "and" omitted by Punjab Act X of 1943, section 3.

³Inserted by Punjab Act X of 1943, section 3.

1[“2-A. Act not applicable to certain shops, commercial establishment, and persons.—Nothing in this Act shall apply to—

- (a) offices of or under the Central or State Government, the Reserve Bank of India, any Federal Railway or any local authority;
- (b) any railway service, water transport service, tramway or motor service, postal, telegraph or telephone service, any system of public conservancy or sanitation or any industry, business or undertaking which supplies power, light or water to the public;
- (c) stalls and refreshment rooms at railway stations or railway dining cars;
- (d) offices of lawyers, auditors or registered accountants;
- (e) establishments for the treatment or care of the sick, infirm, destitute or mentally unfit;
- (f) any person employed about the business of any shop or commercial establishment mentioned in paragraphs (a) to (e) aforesaid;
- (g) any person whose hours of employment are regulated by or under the Factories Act, 1934 (XXV of 1934), except the provisions of sub-sections (3), (4) and (5) of section 4 of this Act in so far as they relate to employment in a factory;
- (h) shops engaged in the supply of gas-light on marriages or other ceremonial occasions;
- (i) persons employed in managerial capacity or whose work is inherently intermittent such as a traveller, a canvasser, a watchman, a caretaker or a messenger; and
- (j) the members of the family of the employer.

2-B. Provisions of sections 6 and 7 not applicable to certain shops and commercial establishments.—Nothing in sections 6 and 7 shall apply to—

- (a) clubs, hotels and boarding houses;
- (b) shops of barbers and hairdressers;
- (c) shops dealing mainly in meat, fish, poultry, eggs, dairy produce, bread, confectionery, sweets, chocolates, ice, ice-cream, cooked food, fruit, flowers, vegetables, or fodder;
- (d) shops dealing mainly in medicines or medical or surgical requisites or appliances;
- (e) shops dealing in articles required for funerals, burials or cremations;
- (f) shops dealing in pan (betel leaf), pan with biris or cigarettes or liquid refreshments sold retail for consumption on the premises;
- (g) shops dealing in newspapers or periodicals;
- (h) cinemas, theatres and other places of public entertainment;
- (i) automobile service stations (not being repair workshops) and petrol pumps for the retail sale of petrol;
- (j) shops in regimental institutes, garrison shops and troop canteens in cantonments;
- (k) shops and commercial establishments engaged in the manufacture of gut;
- (l) shops and commercial establishments engaged in husking and washing of til;
- (m) tanneries;
- (n) retail trade carried on at an exhibition or show, if such retail trade is subsidiary or ancillary only to the main purpose of the exhibition or show;
- (o) oil mills not registered under the Factories Act, 1934 (XXV of 1934);
- (p) brick and lime kilns; and
- (q) commercial establishments engaged in the manufacture of brass and copper sheets and the casting of bronze and brass utensils.

2-C. Power of Government to extend the provisions of the Act.—Notwithstanding anything contained in section 2-A or 2-B, the Chief Commissioner may, by notification, declare that any shop or commercial establishment or person

¹Sections 2-A, 2-B and 2-C, inserted by Punjab Act X of 1943, section 4

~~specified therein shall not be exempt from the operation of such provisions of this Act as may be specified in the notification and that the provisions of this Act specified in such notification shall apply to such shop, commercial establishment or person.]~~

¹[“**3. Conditions of employment.**—(1) No young person shall be employed about the business of a shop or commercial establishment earlier than eight o'clock in the morning or later than seven o'clock in the evening.

(2) The total number of hours worked by a young person employed about the business of a shop or commercial establishment, exclusive of intervals for meals and rest, shall not exceed forty-two hours in any one week or seven hours in any day.

(3) A young person employed about the business of a shop or commercial establishment shall not be employed continuously for more than three and-a-half hours without an interval of at least half an hour for a meal or rest.

(4) The Chief Commissioner may prescribe further conditions in respect of the employment of young persons employed about the businesses of shops or commercial establishments or any class of them, including, if it thinks fit, conditions with respect to the daily period of employment of those persons, and no such person shall be employed otherwise than in accordance with those conditions.

(5) In the case of any contravention of, or failure to comply with the foregoing provisions of this section, the employer shall be liable on conviction to a fine not exceeding one hundred rupees.

(6) Where, in proceedings for an offence under this section, it is alleged that the person in respect of whom the alleged offence was committed was a young person, and he appears to the court to have been at the date of the commission of the alleged offence a young person, he shall, for the purposes of this Act, be presumed at that date to have been a young person, unless the contrary is proved.]

4. Hours of employment.—(1) Subject to the provisions of this Act, no person shall be employed about the business of a shop or commercial establishment for more than ²[the normal maximum working hours, that is to say, fifty-four hours in any one week and ten hours in any one day].

³[(2) On occasions of seasonal or exceptional pressure of work a person employed in a shop or commercial establishment may be employed about the business of the shop or commercial establishment overtime, that is to say, in excess of the normal maximum working hours:

Provided that—

(a) no person shall be employed overtime about the business of the shop or commercial establishment in any year after he has been employed overtime about the business of the shop or commercial establishment one hundred and fifty working hours in that year; and

(b) the person employed overtime shall be paid remuneration at twice the rate of his normal wages calculated by the hour.]

(3) In determining the number of working hours for which a person has in any week been employed about the business of any shop or commercial establishment he shall be deemed to have been also employed about the business thereof during any time during which he was in that week employed about the business of any other shop or commercial establishment or in a factory:

Provided that, if in any proceedings against the occupier of a shop or commercial establishment in respect of a contravention of the provisions of this Act it is shown that the contravention occurred only by reason of time during which a person was employed by another employer being deemed, in accordance with the provisions of this sub-section, to be time during which he was employed about the business of that shop or commercial establishment, it shall be a defence to prove that the occupier did not know and could not with reasonable diligence have ascertained that the person was employed for that time by the other employer.

(4) No person who has to the knowledge of the occupier of a shop or commercial establishment been previously employed on any day in a factory shall be

¹Substituted by Punjab Act X of 1943, section 5.

²Substituted for the words “fifty-four hours in any one week or more than ten hours in one day, exclusive of any interval allowed for rest and meals” by Punjab Act X of 1943, section 6.

³Substituted by Punjab Act X of 1943, section 6.

employed on that day about the business of the shop or commercial establishment for a longer period than will, together with the time during which he has been previously employed on that day in the factory, complete the number of hours permitted by this Act.

¹[(5) No person shall work about the business of a shop or commercial establishment or two or more shops or commercial establishments or a shop or commercial establishment and a factory in excess of the period during which he may be lawfully employed under this Act.

5. Intervals for rest or meals.—Every employee shall be granted during the period of daily employment intervals for rest or meals which in all shall not be less than a period of one hour, and no employee shall be employed for more than six hours without an interval for rest of at least half an hour.

²[**6. Opening and closing hours.**—No shop or commercial establishment shall, save as otherwise provided by this Act, open earlier than six o'clock in the morning or close later than ten o'clock in the evening in summer or open earlier than half past seven o'clock in the morning or close later than half past nine o'clock in the evening in winter:

Provided that any customer who was in the shop or commercial establishment before the closing hour may be served during the period of fifteen minutes immediately following such hour.]

³[**7. Close day.**—(1) Save as otherwise provided by this Act, every shop or commercial establishment shall remain closed on a close day.]

(2) (i) The choice of a close day shall rest with the * * * occupier of a shop or commercial establishment and shall be intimated to the prescribed authority within two months of the date on which this Act comes into force.

(ii) The * * * occupier of a shop or commercial establishment shall be at liberty to change his close day once every year and shall communicate the change, if any, to the prescribed authority ⁵[at least fifteen days before the change is effected].

⁶[(3) Notwithstanding anything contained in sub-section (1), the occupier of any shop or commercial establishment may open his shop or commercial establishment on a day chosen by him to be a close day, if—

- (a) such day happens to coincide with a religious festival; and
- (b) the said occupier—

(i) has kept his shop or commercial establishment closed on either of the two days immediately preceding the close day; and

(ii) has given notice to the prescribed authority of his intention to keep it open on the close day, and that notice has not been withdrawn before that day.]

⁷[**7-A. Period of rest.**—Every employee shall be entitled to have at least twenty-four consecutive hours of rest in every week, which shall, in the case of shops and commercial establishments required by this Act to observe a close day, be on the close day.]

8. Leave.—(1) In addition to close days ⁸[and periods of rest] every employee who has been in continuous employment for a period of one year shall be entitled to not less than fourteen day's leave with full pay or if he has been continuously employed for a period of six months he shall be entitled to not less than seven days' leave with full pay.

(2) Leave asked for under sub-section (1) shall be granted within one month of the date of application.

¹Inserted by Punjab Act X of 1943, section 6.

²Substituted by Punjab Act X of 1943, section 7.

³Substituted by Punjab Act X of 1943, section 8.

⁴The words "owner or" omitted by Punjab Act X of 1943, section 8.

⁵Substituted for the words "by the 15th January of each year" by Punjab Act X of 1943, section 8.

⁶Inserted by Punjab Act X of 1943, section 8

⁷Section 7-A inserted by Punjab Act X of 1943, section 9.

⁸Insertion by Punjab Act X of 1943, section 10.

(3) For the purpose of computing the period during which an employee has been in continuous employment within the meaning of sub-section (1) the period during which he was on leave under this section shall be included.

9. Wages for close days.—Any person employed in or about a shop or commercial establishment *¹* * * for a period of fifteen or more consecutive working days shall receive for a close day wages at a rate not less than that to which he was entitled for the day immediately preceding such close day.

10. Wage period.—Subject to the terms of any contract, express or implied, between the employer and the employee to the contrary, every employee of any shop or commercial establishment shall on demand be paid his wages at the end of each period of not more than a fortnight.

11. 2*

* * * *

*[12. Records.—(1) The occupier of every shop or commercial establishment, shall, in the prescribed form and in the prescribed manner, keep exhibited in the shop or commercial establishment a notice setting forth the close day.]

*(2) The occupier of any shop or commercial establishment about the business of which persons are employed shall in the prescribed form and in the prescribed manner keep a record of the hours worked and the amount of leave taken by, and of the intervals allowed for rest and meals to, every person employed about the business of the shop or commercial establishment, and particulars of all employment overtime shall be separately entered in the record.

(3) The occupier of any shop or commercial establishment about the business of which persons are employed shall in the prescribed form and in the prescribed manner keep exhibited in the shop or commercial establishment notices setting forth *⁵* the number of hours in the week during which persons may in accordance with the provisions of this Act be employed about the business of a shop or commercial establishment and such other particulars as may be prescribed.

*[(4) The occupier of every shop or commercial establishment shall for the purposes of this Act maintain such other records and registers and display such other notices as may be prescribed.]

(5) In the case of any contravention of the foregoing provisions of this section, the occupier of the shop or commercial establishment shall be liable on conviction to a fine not exceeding five rupees for every day on which the contravention occurs or continues.

(6) If any person with intent to deceive makes or causes or allows to be made, in any such record ³[register] or notice as aforesaid an entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from any such record ³[register] or notice an entry required to be made therein he shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred rupees, or to both.

13. Inspection of registers and calling for information.—It shall be the duty of every *⁶* occupier of a shop or commercial establishment to produce for inspection of such officer as may be prescribed, all accounts or other records required to be kept for the purposes of this Act, and to give to such officer any other information in connection therewith as may be required.

14. Notice of dismissal.—(1) No employee shall without sufficient cause be dismissed from service unless and until one month's previous notice has been given to him or one month's pay in lieu thereof.

¹The words "on daily wages" omitted by Punjab Act X of 1943, section 11.

²Section 11 omitted by Punjab Act X of 1943; section 12.

³Inserted by Punjab Act X of 1943, section 13.

⁴Sub-sections (1), (2), (3) and (4) renumbered respectively as (2), (3), (5) and (6) by Punjab Act X of 1943, section 13.

⁵The words "the close day" omitted by Punjab Act X of 1943, section 13.

⁶The words 'owner or' omitted by Punjab Act X of 1943, section 14.

¹[(2) In any case instituted for a contravention of the provisions of the last preceding sub-section, if a magistrate is satisfied that an employee has been dismissed without reasonable cause, the Magistrate may for reasons to be recorded in writing, award compensation to the employee as follows, that is to say—

- (a) where immediately before his dismissal the employee was in receipt of a salary not exceeding fifty rupees per mensem, such amount of compensation not exceeding his monthly salary as the Magistrate may direct;
- (b) where immediately before his dismissal the employee was in receipt of a salary exceeding fifty rupees per mensem, such amount of compensation not exceeding fifty rupees, as the Magistrate may direct.

(3) The amount payable as compensation under this section shall be in addition to any fine payable under section 16.

(4) No person who has been awarded compensation under this section shall be at liberty to bring a civil suit in respect of the same claim.]

²[14-A. **Provision as respects shops and commercial establishments where more than one business is carried on.**—Where several trades or businesses are carried on in the same shop or commercial establishment, and any of those trades or businesses is of such a nature that, if it were the only trade or business carried on in the shop or commercial establishment, the shop or commercial establishment would be exempt from all or any of the provisions of this Act, the exemption shall apply to the shop or commercial establishment so far as the carrying on of that trade or business is concerned, subject, however, to such conditions as may be prescribed.]

15. Provisions as to trading elsewhere than in shops.—Save as otherwise provided under any law for the time being in force, it shall not be lawful in any locality to carry on in any place not being a shop or commercial establishment retail trade or business of any class at any time when it would be unlawful in that locality to keep a shop or commercial establishment open for the purpose of such retail trade or business, and, if any person carries on any trade or business in contravention of this section, this Act shall apply as if he were the ^{* 3} occupier of a shop or a commercial establishment which was being kept open in contravention of this Act.

16. Penalties.—Subject to the other provisions of this Act, whoever contravenes any of the provisions of this Act, or any of the rules made thereunder shall be liable on conviction to a fine not exceeding twenty-five rupees for the first offence and one hundred rupees for every subsequent offence.

⁴[16-A. **Exemption of occupier from liability in certain cases.**—Where the occupier of a shop or commercial establishment is charged with an offence against this Act or the rules made thereunder, he shall be entitled, upon complaint duly made by him, to have his agent or servant whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the court—

- (a) that he had used due diligence to enforce the execution of this Act and the rules made thereunder, and
- (b) that the said agent or servant committed the offence in question without his knowledge, consent or connivance, or wilful neglect, or default, that agent or servant shall be convicted of the offence and shall be liable to the like fine as if he were the occupier, and the occupier shall be discharged from any liability for the offence.]

⁵[17. **Protection of officers and their agents from personal liability.**—No suit or other legal proceedings shall lie against any public servant or any other person in the service of the Government, acting under the direction of any such public servant, for anything in good faith done or intended to be done in pursuance of the provisions of this Act or of any rule made thereunder.]

¹Sub-sections (2), (3) and (4) substituted for sub-section (2) by Punjab Act X of 1943, section 15.

²Section 14-A inserted by Punjab Act X of 1943, section 16.

³The words 'owner or' omitted by Punjab Act X of 1943, section 17.

⁴Section 16-A inserted by Punjab Act X of 1943, section 18.

⁵Substituted by Punjab Act X of 1943, section 19.

S.—Government may, by notification in Official Gazette, exempt from the operation of all or any of the provisions of this Act indefinitely or for any period it considers desirable any shop or commercial establishment or any class thereof or any employer or employee or class of employers or employees on such conditions as it may think fit.]

* * * * *

20. Power to make rules.—(1) Government may make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner and form in which the registers and notice shall be kept;
- (b) the officers who may be empowered to inspect registers and call for information as required by this Act;
- (c) the agency by which and the manner in which the prosecutions shall be instituted;
- (d) the authority to which intimation shall be given under sub-section (2) of section 7;
- ³[(dd) the authority to and the manner in which any notice required by this Act shall be given;]
- (e) the conditions subject to which any exemption under the Act may be granted;
- (f) the manner in which the occupier of a shop or commercial establishment shall keep exhibited in the premises the close day, closing and opening hours and such other particulars as may be prescribed; and
- (g) the authority to which the close day and any change therein may be intimated.

* * * * *

[No. 11-J.]

A. N. SACHDEV, Under Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

CUSTOMS

New Delhi, the 27th January, 1951

S.R.O. 108.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division), No. 31-Customs, dated the 2nd April 1949, namely:—

In the said notification, after the words "pleased to exempt" the words "glass lantern slides" shall be inserted.

[No. 13.]

S.R.O. 109.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Finance Department (Central Revenues) No. 33-Customs, dated the 22nd June 1935, namely:—

In Schedule I annexed to the said notification, in the entry in column 4 against Serial No. "28-I" for the words "10 percent *ad valorem*" the words "5 percent *ad valorem*" shall be substituted.

[No. 14.]

¹Substituted by Punjab Act X of 1943, section 20.

²Section 19 omitted by Punjab Act X of 1943, section 21.

³Clause (dd) inserted by Punjab Act X of 1943, section 22.

⁴Schedule to the Act omitted by Punjab Act X of 1943, section 23.

J. II. **Customs Act, 1878** (VIII of 1878), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 10-Customs, dated the 19th March 1949, namely:—

In the said notification for the words "Hair Yarn" the words "hair and woollen Yarn exclusively used for the manufacture of hair belting" shall be substituted.

[No.15.]

D. P. ANAND, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 20th January 1950

S.R.O. 111.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), and in partial modification of its notification No. 32-I.T., dated the 9th November, 1946, the Central Board of Revenue directs that the Appellate Assistant Commissioner of Income-tax, 'D' Range, Bombay, shall also and the Appellate Assistant Commissioner of Income-tax, 'E' Range, Bombay, shall not perform his functions in respect of Mr. Hiralal Amratlal Shah for their appeal o. EAP.48 for the assessment year 1941-42.

[No. 4.]

S.R.O. 112.—In pursuance of sub-section (4) of section 5 of the Indian Income-
Act, 1922 (XI of 1922), and in partial modification of its Notification No. 32-
Income-tax., dated the 9th November 1946, the Central Board of Revenue directs
that the Appellate Assistant Commissioner of Income-tax, Ambala shall also and
Appellate Assistant Commilssioner of Income-tax, 'A' Range, Delhi shall not
perform his functions in respect of Shri M. S. Kochar, Official Receiver, Simla for
is income-tax appeal pertaining to the assessment year 1948-49.

[No. 5.]

PYARE LAL, Secy.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 17th January 1951

S.R.O. 113.—Corrigendum.—In this Ministry's Notification No. I(1)-4(41) published as S.R.O. 610 in the Gazette of India, Part II—Section 3, dated the 16th September 1950, authorising certain officers of the Central and State Governments to exercise powers of the Controller under clauses 4 and 5 of the Iron and Steel (Control of Production and Distribution) Order, 1941, for the date of issue, viz., "8th September 1950", the date "7th September 1950" may be substituted.

[No. I(1)-4(41)]

N. R. REDDY, Under Secy.

New Delhi, the 20th January 1951

S.R.O. 114.—In exercise of the powers conferred by sub-section (1) of section 6 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby authorises all Assistant Civil Supplies Officers in the State of Orissa to exercise within their respective jurisdictions the powers conferred by the said section.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; High Commissioner for India, London; His Majesty's Trade Commissioner in

India; all Chambers of Commerce and Associations; the Director General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-2(14)/50.]

S.R.O. 115.—In exercise of the powers conferred by section 22 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply No. S.R.O. 616, dated the 15th September, 1950, namely:—

In Column 1 of the Schedule annexed to the said Notification—

For the entry “Director of Civil Supplies, Ajmer” the entry “Director of Food and Civil Supplies, Ajmer” shall be substituted.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-2(14)/50.]

S.R.O. 116.—In exercise of the powers conferred by sub-section (1) of section 16 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby authorises the officers specified in the Schedule hereto annexed to exercise within their respective jurisdictions in the State of Ajmer, the powers conferred by the said sub-section.

1. The Deputy Director of Food and Civil Supplies, Ajmer (Storage and Issue).
2. Assistant Director of Food and Civil Supplies, Beawar.
3. Assistant Director of Food and Civil Supplies, Nasirabad.
4. All Sub-Divisional Officers.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-2(14)/50.]

K. RAM, Dy. Secy.

MINISTRY OF COMMERCE

MERCHANT SHIPPING

New Delhi, the 27th January 1951

S.R.O. 117.—In exercise of the powers conferred by section 87 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby

directs that the following further amendment shall be made in the notification of the Government of India in the Department of Commerce, No. 58M1(2)/31, dated the 18th March 1933, namely:—

In the list of approved disinfectants set forth in the Appendix to the said notification, after the entry "Lysolid" the following entry shall be inserted, namely:—

"Microcide, made by Shalimar Tar Products (1935) Limited."

[No. 58 M.I.(2)/49.]

S.R.O. 118.—In exercise of the powers conferred by sub-section (1) of section 191 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following further amendment shall be made in the rules published with the notification of the Government of India in the late Finance and Commerce Department, No. 1354, dated the 14th March 1889, the same having been previously published as required by sub-section (3) of the said section, namely:—

In the list of approved disinfectants set forth in the Appendix to the said rules, after the entry "Lysolid" the following entry shall be inserted, namely:—

"Microcide, made by Shalimar Tar Products (1935) Limited."

[No. 58 M.I.(2)/49.]

H. C. SARIN, Dy. Secy.

MINISTRY OF AGRICULTURE

New Delhi, the 18th January 1951

S.R.O. 119.—In exercise of the powers conferred by section 17 of the Indian Central Oilsseeds Committee Act, 1946 (IX of 1946), the Central Government is pleased to direct that the following amendment shall be made in the Indian Oilsseeds Committee Rules, 1947, the same having previously been published as required by sub-section (1) of the said section namely:—

In clause (b) of the Proviso to rule 4 of the said Rules for the words "The Central Legislature" in the two places in which they occur and for the words "that legislature" the word "Parliament" shall be substituted.

[No. F. 5-53/50-Comm.]

N. S. SREEKANTIAH, Asstt. Secy.

New Delhi, the 22nd January 1951

S.R.O. 120.—In exercise of the powers conferred by clause 6 of the Sugar and Gur Control Order 1950, the Central Government is pleased to direct that the name of Shri Janki Sugar Mills & Co., Doiwala, shall be added as S. N. 34 in Explanation (3) under the heading U.P. West, in Schedule IV appended to Ministry of Agriculture Notification S.R.O. 1002 dated 6th December 1950.

[SV-101(1)/50-51.]

N. T. MONE, Joint Secy

New Delhi, the 23rd January 1951

S.R.O. 121.—Corrigendum.—In the Ministry of Agriculture Notification of even Number, dated the 15th July, 1950 for Shri D. N. Dutt substitute Dr. N. Dutt.

[No. F.3-2/50-Com.]

A. N. BERY, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 19th January 1951

S.R.O. 122.—The following draft of further amendments to the Drugs Rules, 1945, which it is proposed to make in exercise of the powers conferred by sections

and 33 of the Drugs Act, 1940 (XXIII of 1940), is published as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 27th April, 1951.

Any objections or suggestions which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said rules:—

- (a) In rule 49 after clause "(a)" the following clause shall be inserted, namely:—
"(aa) holds the Pharmaceutical Chemists diploma granted by the Pharmaceutical Society of Great Britain; or",
- (b) In rule 106, after the word "women" the words "or to alter or affect the structure of the human body", shall be inserted.
- (c) In Schedule H after the entry relating to "Barbituric acid", the following entry shall be inserted namely:—
"Benzedrine (Amphetamine); its salts."

[No. F. 1-14/48-D.]

J. N. SAKSENA, Under Secy.

MINISTRY OF REHABILITATION

New Delhi, the 16th January 1951

S.R.O. 123.—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government hereby directs that the following further amendment shall be made in the Permit System Rules, 1949, namely:—

In para. 2 of sub-rule (iii) of rule 5, of the said Rules, for the word "two" wherever it occurs, the word "three" shall be substituted.

[No. III/PMT(X-1)/51-N(2).]

M. L. PURI, Under Secy.

MINISTRY OF TRANSPORT

PORTS

New Delhi, the 22nd January 1951

S.R.O. 124.—In exercise of the powers conferred by clause (d) of section 5 of the Bombay Landing and Wharfage Fees Act, 1882 (Bombay Act VII of 1882), as extended to the State of Kutch by the notification of the Government of India in the Ministry of States No. 59-J, dated the 3rd June 1950, the Central Government hereby withdraws the said Act from the Port of Jhangi where it is in force as applied by the notification of the Government of India in the Ministry of Transport No. 20-M(6)/50-I, dated the 4th October, 1950.

[No. 20-M(6)/50-I.]

J. K. ATAL, Dy. Secy.

MINISTRY OF RAILWAYS (Railway Board)

New Delhi, the 19th January 1951

S.R.O. 125.—In exercise of the powers conferred by Section 82-B of the Indian Railways Act, 1890 (IX of 1890), read with sub-rule (1) of rule 4 of the Railway Accidents (Compensation) Rules, 1950, the Central Government hereby appoints in respect of each of the States specified in column 1 of the schedule hereto annexed, the Officer or Officers specified in column 2 thereof as the Ex. Officio Claims Commissioner or Commissioners for enquiring into and determining all

claims for compensation arising out of minor accidents occurring within his their respective jurisdictions:

THE SCHEDULE

1 Name of State	2 Designation of Officer
Patiala and East Punjab States Union.	1. District and Session Judge, Patiala. 2. " " " " Sangrur. 3. " " " " Barnala. 4. " " " " Bhatinda. 5. " " " " Kapurthala. 6. " " " " Fatehgarh-Sahib at Bassi. 7. " " " " Mohinder-garh at Narnaul.
Mudhya Bharat.	1. District and Session Judge, Gwalior. 2. " " " " Bhind. 3. " " " " Morena. 4. " " " " Guna. 5. " " " " Shajapur. 6. " " " " Ujjain. 7. " " " " Mandsaur. 8. " " " " Indore. 9. " " " " Dewas. 10. " " " " Ratlam. 11. " " " " Jhabua. 12. " " " " Rajgarh. 13. " " " " Dhar. 14. " " " " Nimar (Barwani).

[No. 893-TG.]

New Delhi, the 22nd January 1951

S.R.O. 126.—In exercise of the powers conferred by section 135 of the Indian Railways Act, 1890 (IX of 1890), and section 3 of the Railways (Local Authorities' Taxation) Act, 1941 (XXXV of 1941), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Railway Department (Railway Board) No. F.42/TX17(16), dated 11th January 1944, namely—

Clause "(b)" shall be omitted and clause "(c)" shall be re-lettered as "(b)".

[No. F(X)II-50/TX-12/22.]

S. S. RAMASUBBAN, Secy.

MINISTRY OF LABOUR

New Delhi, the 17th January 1951

S.R.O. 127.—In exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), the Central Government hereby makes the following rules, namely:—

1. *Short title.*—(1) These rules may be called the Coal Mines Labour Welfare Establishment (Contributory Provident Fund) Rules, 1951.

(2) They shall be deemed to have come into force with effect from the 1st day of June 1947.

Definitions.—In these rules unless there is anything repugnant in the subject or context—

(i) 'Accounts Officer' means the Accountant General, Bihar.

(ii) 'Commissioner' means the Coal Mines Labour Welfare Commissioner.

(iii) 'Emoluments' means pay, leave salary or subsistence grant, as defined in the Fundamental Rules and includes:—

(a) any wages paid from the Welfare Fund to employees not remunerated by fixed monthly pay; and

(b) any remuneration of the nature of pay received in respect of foreign service (i.e. service rendered with any other employer with the permission of the Chairman, Coal Mines Labour Welfare Fund Advisory Committee).

(iv) 'Employee' means any person holding an appointment, the emoluments of which are paid from the Welfare Fund.

(v) 'Family' means:—

(a) in the case of male subscriber, the wife or wives and children of the subscriber and the widow or widows and children of a deceased son of the subscriber:

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which the parties belong to be entitled to maintenance she shall thenceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express notification in writing to the Accounts Officer through the Commissioner that she shall continue to be so regarded; and

(b) in the case of a female subscriber, the husband and children of the subscriber and the widow or widows and children of a deceased son of the subscriber:

Provided that if a subscriber by notification in writing to the Accounts Officer through the Commissioner expresses her desire to exclude her husband from her family, the husband shall thenceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notification excluding him.

Note I.—'Children' means legitimate children.

Note II.—An adopted child shall be considered to be a child only when the Commissioner or when any doubt arises in the mind of the Commissioner, the Solicitor to the Government of India, is satisfied that under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child.

(vi) 'Provident Fund' means the Coal Mines Labour Welfare Office Establishment Contributory Provident Fund.

(vii) 'Subscriber' means any employee of the Welfare Fund admitted to the Provident Fund.

(viii) 'Welfare Fund' means the Coal Mines Labour Welfare Fund constituted under the Coal Mines Labour Welfare Fund Act, 1947.

(ix) 'Year' means a financial year.

3. *Constitution and management of the Provident Fund.*—The Provident Fund shall be administered by the Commissioner and shall be maintained by the Accounts Officer in rupees in India.

4. These rules shall apply to all non-pensionable employees holding a substantive appointment:

Provided that employees in temporary service may also be admitted to the Provident Fund with the written consent of the Commissioner if they have been employed or in the opinion of the Commissioner are likely to be employed for at least three years:

Provided further that persons appointed on probation to substantive appointments or appointed to officiate in an office which is vacant or the permanent incumbent of which does not draw any part of the pay or count service may, if they are confirmed without interruption, be allowed to join the Provident Fund with retrospective effect from the date of their joining the service. The monthly subscription of a subscriber so admitted under these provisions to the Provident Fund shall not be less than 10 per cent. of his pay till all arrears are paid up in full.

Note:—No employee who is in receipt of a pension from Government shall be admitted to the Provident Fund.

5. Nomination.—(1) A subscriber shall, as soon as may be after admission to the Provident Fund, send to the Accounts Officer through the Commissioner a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Provident Fund in the event of his death occurring before that amount has become payable or having become payable has not been paid. If any such person pre-deceases the subscriber, the right conferred upon him shall pass to such other person or persons as provided in the nomination.

(2) Every such nomination shall be in the form set forth in the First Schedule to these rules. If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Provident Fund at any time.

(3) A subscriber may, at any time, cancel a nomination by sending a notice in writing to the Accounts Officer through the Commissioner:

Provided that the subscriber shall, along with such notice, sent a fresh nomination in accordance with sub-rules (1) and (2) of the rule.

(4) Every nomination made and every notice of cancellation given, by a subscriber shall, to the extent that it is valid, take effect, on the date on which it is received by the Accounts Officer.

6. Subscriber's account.—An account shall be prepared in the name of each subscriber and maintained by the Accounts Officer in the form set forth in the Second Schedule appended to these rules.

7. Conditions and rate of subscription.—(1) A subscriber shall subscribe monthly to the Provident Fund when on duty or foreign service.

(2) A subscriber may, at his election, not subscribe during leave.

(3) A subscriber shall intimate his election not to subscribe during leave by a written communication to the Accounts Officer through the Commissioner before he proceeds on leave.

(4) Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

(5) The election of a subscriber intimated under this sub-rule shall be final.

(6) A subscriber shall not subscribe to the Provident Fund when on extraordinary leave without pay or under suspension. He shall, however, on return from a period of such leave without pay or on re-instatement after a period passed under suspension, be allowed the option to subscribe for that period, at the discretion of the Commissioner. The amount of subscription to be paid shall also be determined by the Commissioner the general principle to be observed being that the subscription should be calculated on half the emoluments drawn by the employee before he proceeded on leave without pay or was placed under suspension.

8. (1) The amount of subscription shall be fixed by the subscriber himself subject to the following conditions:—

(a) it shall be expressed in whole rupees:

Provided that if the emoluments of the subscriber do not exceed fifty rupees a month, the amount may be any multiple of a half rupee; and

(b) it may be any sum so expressed at a rate not less than $6\frac{1}{4}$ per cent. (i.e. one anna in the rupee) of his monthly emoluments.

(2) For the purpose of sub-rule (1) the emoluments of a subscriber shall be—

(a) in the case of a subscriber who was on duty on the 31st March of the preceding year, the emoluments to which he was entitled on that date;

(b) in the case of a subscriber admitted to the Provident Fund on a subsequent date, the emoluments to which he was entitled on such subsequent date;

(c) in the case of a subscriber who was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave the emoluments to which he would have been entitled had he been on duty; and

(d) in the case of a subscriber who was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date the emoluments to which he was entitled on the first day after his return to duty.

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription for each year on the basis of his emoluments and rate permissible.

(2) The subscriber shall be permitted to increase the amount of subscription once at any time during the course of the year; there shall, however, be no corresponding increase in the Welfare Fund's contribution:

Provided that if a subscriber is on duty for a part of a month and on leave for the remainder of that month and if he has elected not to subscribe during leave the amount of the subscription shall be proportionate to the number of days spent on duty in the month.

9. *Realisation of subscription.*—(1) When the emoluments are drawn on the establishment pay bills, recovery of subscription to and the principal and interest of advances granted from the Provident Fund shall be made by deduction from the pay bills.

(2) When the emoluments are drawn otherwise, the subscriber shall forward his dues monthly to the Accounts Officer.

10. *Contribution by the Welfare Fund.*—(1) The Commissioner shall make yearly a contribution to the account of each subscriber from the Welfare Fund:

Provided that if a subscriber quits service or dies during the course of a year, proportionate contribution shall be credited to his account for the period between the close of the preceding year and the date of his retirement or death as the case may be.

(2) The rate of contribution made by the Commissioner shall be 6 $\frac{1}{4}$ per cent. (1/16th) of the subscriber's emoluments drawn on duty or if he has been on leave and elected to subscribe during such leave the emoluments to which he would have been entitled had he been on duty.

(3) The amount of contribution shall be rounded off to the nearest whole rupee (eight annas counting as the next higher rupee).

11. *Interest.*—(1) The Commissioner shall pay to the credit of the account of a subscriber interest at such rate as the Central Government may from time to time prescribe for the payment of interest on a subscriber's accumulations in the Provident Fund.

(2) In addition to any amount to be paid under rule 17, interest thereon upto the end of the month preceding that in which payment is made, or upto the end of the sixth month after the month in which such amount became payable, whichever of these periods be less, shall be payable to the persons to whom such amount is to be paid; provided that no interest shall be paid in respect of any period after the date which the Accounts Officer has intimated to that person (or his agent) as the date on which he is prepared to make payment in cash, or if he pays by cheque, after the date on which the cheque in that person's favour is put in the post.

12. *Advances.*—When the pecuniary circumstances of a subscriber are such that indulgence is absolutely necessary, a temporary recoverable advance may, at the discretion of the Commissioner, be granted to a subscriber out of the amount standing to his credit in the Provident Fund, on the conditions that—

(i) the advance is required to pay expenses on behalf of a subscriber or his family on any of the following:—

- (a) prolonged illness or medical attention,
- (b) overseas passage for reasons of health or education, and
- (c) marriage, funerals or ceremonies which by his religion it is incumbent upon the subscriber to perform.

(ii) the advance is expressed in whole rupees and shall not, except for special reasons, exceed three month's pay of the subscriber and shall in no case exceed the amount of subscriptions and interest thereon standing to his credit in the Provident Fund.

(iii) a written request is made to the Commissioner showing reasons for the request:

Provided that if the reason is of a confidential nature it may be communicated to the Commissioner personally or confidentially.

13. Any advance shall be recovered from the subscriber in such number of equal monthly instalments as the Commissioner may direct but the number shall not be less than 12 unless the subscriber so elects or in any case more than 24, the amount of advance being raised or reduced, if necessary, to admit of the fixation of such instalments. The instalments shall be expressed in whole rupees and recovered from the subscriber's salary in the manner indicated in rule 9. The first

instalment shall commence from the first payment of a full month's salary after the grant of advance.

14. After the principal of the advance has been fully repaid, interest thereon shall be recovered in one instalment at the rate of 1/5 per cent. of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal:

Provided that when the advance is distributed to be recovered in more than 19 instalments, the interest may be recovered in two instalments.

15. *Deductions.*—Subject to the conditions that no deduction may be made which reduces the credit by more than the amount of any contribution by the Commissioner with interest thereon credited under rules 10 and 11 before the amount standing to the credit of a subscriber in the Provident Fund is paid out of the Fund, the Commissioner may direct the deductions therefrom and payment to the Welfare Fund of—

(a) any amount, if a subscriber has been dismissed from the service for grave mis-conduct:

Provided that, if the order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service, be replaced at his credit in the Provident Fund;

(b) any amount if a subscriber resigns his employment under the Welfare Fund within three years of commencement of service thereof otherwise than by reasons of superannuation or a declaration by competent medical authority that he is unfit for further service; and

(c) any amount due under a liability incurred by the subscriber to the Welfare Fund.

16. *Final withdrawal of accumulations in the Provident Fund.*—The amount standing to the credit of a subscriber shall become payable at the time of quitting service or the death of the subscriber in the manner provided by these rules.

17. The total accumulations in the account of a subscriber less the amount of unrecovered advance and interest thereon, if any, shall be paid as follows:—

(i) to the subscriber on his ceasing to be an employee;

(ii) in the event of the death of the subscriber having made a nomination in accordance with these rules, to the nominee or nominees and in the event of such nominee or nominees pre-deceasing the subscriber, to the alternate nominee or nominees, in the manner indicated in the declaration form; or

(iii) in the event of the death of the subscriber without having made a nomination in accordance with these rules or whose nominee or nominees or alternate nominee or nominees has/have not survived the subscriber, to the legal heir or heirs of the subscriber on the production by him/them of probate or letters of administration evidencing the grant to him/them of the administration of the estate of the subscriber or a certificate granted under the Indian Succession Act, 1925, entitling the holder thereof to receive payment of such amount:

Provided that if the amount of such accumulations does not exceed rupees five thousand it may be paid to any person appearing to the Commissioner to be entitled to receive it.

FIRST SCHEDULE

Form of Declaration

Name of Subscriber

Account No.

Date of Acceptance of
nomination by Accounts
Officer,

1. I hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Provident Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names.

2. I also request that the amount payable as above to the minors be paid to the persons named against them:—

Name and addresses of the nominee	Name and address of the alternate nominee in the event of the person so nominated predeceasing	Relationship with subscriber	Whether major or minor.	Share of deposit payable If minor state age	Name and address of the person to whom share is to be paid on behalf of minor	Sex and parity of person referred to in previous column	Contingencies on entage of the happening of which the nomination shall become invalid	Remarks
1	2	3	4	5	6	7	8	9

3.* I hereby cancel the declaration made by me previously on the.
(Date).

* To be scored out if not applicable.

(Signature of subscriber)

Date of declaration

Witnesses:—

1.

(Signature of witness No. 1)

Name and address.....

2.

(Signature of witness No. 2)

Name and address.....

SECOND SCHEDULE

Provident Fund Account and Abstract Balance of each subscriber

Name of subscriber..... Appointment or appointments held under the Welfare Fund..... Corresponding date(s) of appointment

Account No.

Date of admission to the Provident Fund Remarks or special provision, if any.....

Pay on 31st March of preceding year Rs. 19. 19-	Subscription					Contribution by the Welfare Fund		
	Subscription	Refunds of withdrawals	Total	Withdrawals	Monthly balance on which interest is calculated	Subscriber's emoluments drawn on duty or his leave salary, if he elects to subscribe during leave	Withdrawals	Remarks
April								
May								
June								
July								
August								
September								
October								
November								
December								
January								
February								

April
 May
 June
 July
 August
 September
 October
 November
 December
 January
 February

March
March (Final)
March (Supplementary)

Total . . .

Balance from 19 -19
Deposits and Refunds as above
Interest for 19 -19
Total

Deduct—Withdrawals as above
Balance on 31st March 19
Calculated by

Contribution by the
Welfare Fund on Rs. @
Balance from 19 -19
Interest for 19 -19

Total

Deduct—Withdrawals as
above
Balance on 31st March
19
Checked by

[No. M-1 (3)/50.]

S. O. 128.—In pursuance of Clause (1) of A ..., the President hereby directs that the Chief Commissioner of Ajmer shall, subject to the control of the President, and until further orders, exercise the powers and discharge the functions of the Central Government under the Minimum Wages Act, 1948 (XI of 1948), in so far as such powers and functions relate to the fixation of minimum rates of wages payable to the employees employed in mica mines situated in the State of Ajmer.

[No. L.W.I.24(38).]

P. N. SHARMA, Under Secy.

New Delhi, the 27th January 1951

S.R.O. 129.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), the Central Government hereby makes the following Scheme for the Port of Bombay, the same having been previously published as required by the said sub-section, namely:—

THE SCHEME

THE BOMBAY DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME 1951.

1. Name of the Scheme.—This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Scheme, 1951, and is hereinafter referred to as "the Scheme."

2. Objects and Application.—(1) The Objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

(2) The Scheme relates to the Port of Bombay and shall apply to the classes or descriptions of dock work and dock workers set out in the Schedule annexed to the Scheme:

Provided always that the Scheme shall not apply to any dock worker unless he is employed or registered for employment in connection with the loading, unloading, movement or storage of cargoes or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving port.

(3) The Scheme shall apply to registered dock workers and registered employers.

(4) Nothing in this Scheme shall apply to any class or description of dock work and dock workers in the Indian Naval Dockyard, Bombay.

3. Interpretations.—In this Scheme, unless there is anything repugnant in the subject or context—

(a) "the Act" means the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948);

(b) "Administrative Body" means the Authority appointed under clause 5;

(c) "Board" means the Board constituted under clause 4;

(d) "cargo" and "dock worker" have the meanings respectively assigned to them in the Act;

(e) "daily worker" means a registered dock worker who is not a monthly worker;

(f) "dock employer" means the person by whom a dock worker is employed or is to be employed;

(g) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;

(h) "employer's register" means the register of dock employers maintained under the Scheme;

(i) "monthly worker" means a registered dock worker who is engaged by a registered employer under a contract which requires at least one month's notice for its termination;

(j) "register or record" means the register or record of dock workers maintained under the Scheme;

- (k) "registered dock worker" means a dock worker whose name is for the time being entered in the register or record;
- (l) "registered employer" means a dock employer whose name is for the time being entered in the employer's register;
- (m) "reserve pool" means registered dock workers who are available for work, and who are not at any time in the employment of a registered employer;
- (n) "week" means the period commencing from mid-night of Saturday and ending on the midnight of the next succeeding Saturday;
- (o) "Special Officer" means the special officer appointed under clause 6.

4. Bombay Dock Labour Board.—Establishment of.—(1) The Central Government shall, by notification in the official Gazette, constitute a Board to be called the "Bombay Dock Labour Board" which shall, subject to the provisions hereinafter contained, be responsible for the administration of the Scheme.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Board shall consist of twelve members to be appointed by the Central Government and shall include an equal number of members representing—

- (i) the Central Government,
- (ii) the dock workers, and
- (iii) the employers of dock workers and shipping companies.

(4) The Chairman of the Board shall be nominated by the Central Government from among the members representing the Government and the Vice-Chairman of the Board shall be elected by the members of the Board from among themselves.

(5) The persons representing respectively the dock workers and the employers shall be appointed after consulting such Associations of persons as appear to the Central Government to be representative of such workers and such employers.

(6) There shall be paid to the non-official members of the Board such salaries, fees and allowances as may subject to the approval of the Central Government, be determined by the Board, from time to time.

(7) The members of the Board shall hold office for three years and shall be eligible for re-appointment. A member appointed to fill a casual vacancy shall hold office for the unexpired portion of the term of the person in whose place he is appointed.

(8) No act done by the Board shall be questioned merely on the ground of the existence of any vacancy in, or defect in the constitution of, the Board.

(9) The quorum and procedure of the Board shall be such as the Board may from time to time determine.

(10) If any question arises for the decision of the Board, it shall be decided by a resolution of the majority of the members of the Board present and voting.

5. Administrative Body.—(1) The Central Government may, by notification in the Official Gazette, appoint the Bombay Stevedores' Association or any other authority for the purpose of carrying on the day-to-day administration of the Scheme.

(2) The Administrative Body shall subject to the supervision and control of the Board and subject to the provisions of clause 9 carry on the day-to-day administration of the Scheme.

(3) The Central Government may for sufficient cause remove any authority appointed under sub-clause (1).

Provided that, no such authority shall be removed unless it has been given a reasonable opportunity of being heard.

6. Special Officer and other servants of the Board.—The Board may appoint a Special Officer and such other officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post carrying a salary of rupees five hundred per mensem or more, shall be created and no appointment to such post shall be made by the Board except with the previous approval of the Central Government.

7. Functions of the Board.—(1) The Board may take such measures as it may consider desirable for furthering the objectives of the Scheme set out in clause 2, including measures for:

- (a) ensuring the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turnaround of vessels and the speedy transit of goods through the port;
- (b) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers to registered employers;
- (c) determining and keeping under review in consultation with the Administrative Body the number of registered employers and registered dock workers from time to time on the registers or records and the increases or reductions to be made in the numbers in any such registers or records;
- (d) keeping, adjusting and maintaining the employers' registers entering or re-entering therein the name of any dock employer and where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (e) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of dock workers including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and, where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the registered dock worker;
- (g) making satisfactory provision for the training and welfare of registered dock workers including medical services, in so far as such provision does not exist apart from the Scheme;
- (h) levying and recovering from registered employers contributions in respect of the expenses of the Scheme;
- (i) making satisfactory provision for health and safety measures in places where dock workers are employed in so far as such provision does not exist apart from the Scheme;
- (j) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

(2) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of benefit to the members of the Board; provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let by any member to the Board.

(3) The Board shall cause proper accounts to be kept of the costs of operating the Scheme and of all receipts and expenses under the Scheme.

(4) The Board shall submit to the Central Government an annual report on the working of the Scheme and an audited balance sheet.

8. Functions of the Administrative Body.—Without prejudice to the powers and functions of the Board, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for—

- (a) the keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (b) the keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of dock workers, including any register or record of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and, where circumstances so require, removing from

- the register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;
 - (d) the grouping or re-grouping of registered dock workers in accordance with instructions received from the Board in such groups as may be determined by the Board;
 - (e) the allocation of registered dock workers who are available for work to registered employers and for this purpose the Administrative Body shall—
 - (i) be deemed to act as an agent for the employer,
 - (ii) make the fullest possible use of registered dock workers in the Reserve Pool,
 - (iii) keep the record of attendance, at call stands or control points, of registered dock workers,
 - (iv) provide for the maintenance of the records of employment and earnings,
 - (v) subject to the allotment of work by rotation under clause 21(3), follow the principle of seniority, i.e., a worker shall not be allocated unless all registered workers of the same category above him in the register have been allocated;
 - (f) (i) the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer, and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;
 - (ii) the payment of the employer's contribution to any scheme of insurance constituted under any Act in respect of daily workers and the custody and stamping of their insurance books or cards;
 - (iii) the payment of the employer's contribution to any scheme of Provident Fund established for daily workers;
 - (g) appointing, subject to budget provision, such officers and servants from time to time as may be necessary:
- Provided that the creation of posts carrying a pay of Rs. 250 or over per month and appointment of persons to such posts shall be subject to the prior approval of the Board;
- (h) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it and making and submitting to the Board an annual report and audited balance-sheet;
 - (i) the framing of budget annually and for getting it approved by the Board; and
 - (j) such other functions as may from time to time be delegated to it by the Board.

9. Functions of the Special Officer.—(1) The Special Officer shall discharge all functions relating to disciplinary action against registered employers and daily workers and shall in particular be responsible for taking action under clauses 35, 36 and 37.

(2) The Board may entrust the Special Officer either of its own motion or at the instance of the Administrative Body such other functions as the Board may deem fit.

10. Maintenance of Registers, etc.—(1) **Employers' Register.**—(a) There shall be a register of employers.

(b) In so far as the application of the Scheme to stevedore labour is concerned, every stevedore, who is licensed by the Bombay Port Trust at the time when the Scheme is put into operation and who has worked as a stevedore in the Port of Bombay at any time during the preceding two years shall be entitled to be registered under the Scheme; but no such person shall be so entitled unless he applies for registration on or before the date fixed by the Board for this purpose.

(c) Persons other than those registered under sub-clause (b) shall not be registered as stevedores unless the Board considers it expedient and necessary to do so and in no case shall a person be registered until he has been licensed in that behalf by the Port Authority.

(d) A registration fee of Rs 500 shall be payable to the Board by every stevedore.

(2) **Workers' Registers.**—(1) The registers shall be maintained in the forms devised by the Registration Committee and approved by the Board for the purpose.

(2) The registers of stevedore workers shall be as under, namely—

(i) *Monthly Register*—Register of workers who are engaged by each stevedore on contract on monthly basis and who are known as monthly workers.

(ii) *Reserve Pool Register*—Register of workers other than those on the monthly register. This register shall include a pool of junior stevedore workers to fill casual vacancy in gangs. No vacancy occurring in the Reserve Pool Register shall be filled by the Administrative Body until the appropriate Employment Exchange has indicated its inability to supply suitable applicants.

11. Classification of workers in Registers—(1) The Registration Committee shall arrange for the classification of workers by categories in the registers.

(ii) Stevedore labour shall be classified in the following categories—

- (a) Foremen—Grade I
- (b) Foremen—Grade II
- (c) Foremen—Grade III
- (d) Chargemen
- (e) Stevedore Tindal
- (f) Winchmen
- (g) Hatch-Foremen
- (h) Khalasi
- (i) Stevedore worker—senior
- (j) Stevedore worker—junior
- (k) Cleaning Tindal
- (l) Cleaning worker

12. Fixation of number of workers on the register—The total number of workers in each category shall be determined by the Board in consultation with the Port Authority.

13. Registration of existing and new workers.—(1) Any dock worker who, immediately before the coming into force of the Scheme, is in the employment of any employer to whom the Scheme applies shall be eligible for registration.

(2) New workers will be selected for registration by the Registration Committee out of the list submitted by the Employment Exchange. The qualifications for such selection shall be age not exceeding forty years, physical fitness, capacity and/or experience. Preference will be given to Indian citizens.

(3) New workers to be selected for registration will be on probation for a period of three months before being placed on a permanent basis in the registers.

14. Transfer of Workers.—(1) A vacancy in any category of workers in a register shall ordinarily be filled by promotion of a worker from the next lower category.

(2) A vacancy in any category of monthly workers may be filled by transfer of a senior worker in the same or a superior category of the Reserve Pool workers only if no person is suitable for promotion from lower categories of monthly workers.

Explanation—The criteria for promotion or transfer shall ordinarily be the following, viz.—

- (a) seniority,
- (b) merit and fitness for work in the category to which promotion is to be made
- (c) record of past service

(3) If the services of a monthly worker are terminated by the employer he shall be entitled to registration in the Reserve Pool in a similar category and his previous service shall be reckoned for all benefits in the Reserve Pool and the

Employer shall transfer to the Board all benefits that have accrued to the worker in respect of previous service as if such service had not been terminated unless the Board decides that for some special reason the worker is unfit to be re-employed as a dock worker. The employer shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave that may be due to him on the date of such transfer.

15. Medical Examination.—If the Administrative Body deems it necessary, a worker shall undergo free of charge medical examination by a Medical Board to be constituted by the Board.

16. Facilities for Training.—Adequate facilities for training shall be provided for workers by the Board.

17. Registration Fee.—A registration fee of Rupees two shall be payable to the Board by each worker:

Provided however that the fee for workers registered at the commencement of the Scheme shall be Rupee one.

18. Supply of Cards.—(1) Every registered worker shall be supplied, free of cost, with the following cards in the forms prescribed by the Board, namely:—

(i) Identity Card.

(ii) Attendance and Wage Card.

(2) In case of loss of a card, a fresh card will be issued but the cost thereof, which will be fixed by the Board, shall be payable by the worker concerned.

19. Surrender of Cards.—A worker's card shall be surrendered to the Administrative Body in the following cases and circumstances, namely:—

(a) when proceeding on leave,

(b) when retiring from service,

(c) when dismissed or discharged from service,

(d) when temporarily suspended,

(e) on death.

20. Employment of Workers.—(1) Workers on the Monthly Register attached to a registered employer shall be entitled to be employed by that employer in preference to any worker in the Reserve Pool Register.

(2) For work which cannot be done by those on the Monthly Register, workers on the Reserve Pool Register shall be employed.

21. Employment in Shifts.—(1) Workers will be employed in shifts.

(2) Workers will not ordinarily be employed in two consecutive shifts in a day and in no case will workers on the Monthly Register be employed on a second shift so long as workers in a similar category are available on the Reserve Pool Register for work in that shift.

(3) Workers of each category on the Reserve Pool Register shall be allotted work by rotation.

(4) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.

22. Filling up of Casual Vacancies.—Casual vacancies in the Monthly and Reserve Pool Gangs will be filled up in the following manner:—

When a tindal is absent, the senior man in the same gang will work as a tindal.

In the vacancies of workers in the gangs, workers from the Reserve Pool will be employed by rotation.

23. Guaranteed Minimum Wages.—A worker on the Reserve Pool Register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs, even though no work is found for him for the minimum number of twelve days in a month. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above.

24. Attendance Wages.—Subject to the provisions of the Scheme, a worker on the Reserve Pool Register who is available for work but for whom no work is found shall be paid attendance wages at the rate of Rupee one per day for the days on which no work was found for him during a calendar month. Provided that no attendance wages will be payable for any day for which full wages, inclusive of dearness allowance, have been paid under clause 23 or otherwise or for which disappointment money is paid under clause 26.

25. Employment for a Shift.—No worker in the Reserve Pool Register shall be employed for a period of less than a shift and where the work for which worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period and if no such other work is made available to him, he shall be paid for the entire shift.

26. Disappointment Money.—When a worker in the Reserve Pool presents himself for work and for any reason beyond the control of the employer, the work for which he has attended cannot proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he will be entitled to disappointment money equal to half the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs. A worker detained for more than 2 hours shall be paid full wages inclusive of dearness allowance.

27. Appeal Tribunal.—(1) The Central Government shall appoint one or more Appeal Tribunals for the purposes of hearing appeals under the Scheme.

(2) The Appeal Tribunal shall consist of not more than three persons, who shall not be members of the Board.

28. Registration Committee.—The Board may appoint one or more Registration Committees, to whom it may delegate such duties as it may think fit in relation to the registration both of dock workers and of employers of dock workers.

29. Obligations of registered dock workers.—(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered dock worker in the Reserve Pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered dock worker who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.

(4) A registered dock worker available for work in the employment of the Board shall carry out the directions of the Administrative Body and shall—

(a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points for such period, not exceeding one hour from the commencement of the shift as may be so specified;

(b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body.

(5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer and the rules of the port or place where he is working.

30. Obligations of registered employers.—(1) Every registered employer shall accept the obligations of the Scheme.

(2) A registered employer shall not employ a worker other than a worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 8(e).

(3) Unless otherwise directed by the Administrative Body a registered employer shall, on the engagement of a registered dock worker who is available for work, obtain his record book or wage card and stamp it in respect of each period of work and return it to him at the conclusion of his engagement.

(4) A registered employer shall in accordance with arrangements made by the Administrative Body, submit all available information of his current and future labour requirements.

(5) A registered employer shall, in accordance with directions given by the Administrative Body, lodge with the latter a return of the gross wages (including overtime and allowances and without deductions of any kind) due from him to each registered dock worker engaged by him in respect of the period covered by the return.

(6) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the total amount of the gross wages due to daily workers specified in the return made under the preceding paragraph.

(7) A registered employer shall keep such records as the Board may require, and shall produce to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto, as may be set out in any notice or direction issued by or on behalf of the Board.

31. Restriction on employment.—(1) No person other than a registered employer shall engage for employment or employ any worker on dock work nor shall a registered employer engage for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this clause—

(a) where the Administrative Body is satisfied that—

(i) dock work is urgently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work,

the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker. In selecting such workers the local Employment Exchange organisation shall, as far as possible, be consulted.

(b) in the case referred to in sub-paragraph (a) the person so employed as aforesaid by a registered employer shall, for the purposes of clause 30(5), (6) and (7) and clause 33, be treated in respect of that dock work as if he were a daily worker.

32. Circumstances in which the Scheme ceases to apply.—(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall affect any obligation incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

33. Wages, allowances and other conditions of service.—It shall be an implied condition of the contract between a registered dock worker (whether monthly or daily), and a registered employer that—

(a) the rates of wages, allowances, and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers.

(b) the fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936.

34. Pay in respect of unemployment or underemployment.—(1) Subject to the conditions set out in this and the next following clause, when, in any wage period, a registered dock worker in the Reserve Pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clauses 23, 24 and 26.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that—

(a) he attended as directed at the call stands or control points or was excused from attendance; and

(b) his attendance or his excused attendance was recorded.

35. Disentitlement to payment.—(1) A registered dock worker available for work who while in the Reserve Pool fails without adequate cause to comply with the provisions of clause 29(4)(a) or (b), or fails to comply with any lawful order given to him by or on behalf of the Board, may be reported in writing to the Special Officer.

(2) A registered dock worker in the Reserve Pool available for work who, while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of clause 29(5) or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the Reserve Pool, and,

whether or not he is so returned may be reported in writing to the Special Officer. When a registered dock worker is so returned to the Reserve Pool, his record book or wage card shall be returned to the Administrative Body.

(3) The Special Officer shall consider any written report received under paragraph (1) or (2) and if, after investigating the matter, he notifies the registered dock worker and the Administrative Body that he is satisfied that the registered dock worker has failed to comply with a lawful order as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment under clause 34 as the Special Officer thinks fit in respect of the wage period in which such failure occurred or continues.

36. Disciplinary procedure.—(1) The Special Officer, on receipt of information, whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme, and after investigating the matter, may take any of the following steps as regards that employer, that is to say he may—

- (a) give the registered employer a warning in writing;
- (b) subject to the approval of the Board and after one month's notice in writing given to the registered employer by the Special Officer inform the Administrative Body that the name of the registered employer shall be removed from the employers' register for such period as determined by the Board.

(2) A registered dock worker in the Reserve Pool who is available for work and fails to comply with any of the provisions of the Scheme, may be reported in writing to the Special Officer, who may, after investigating the matter and without prejudice to and in addition to the powers conferred by clause 35, take any of the following steps as regards that worker, that is to say, he may—

- (a) determine that, for such period as he thinks proper, that worker shall not be entitled to any payment under clause 34;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three days;
- (d) give him fourteen days' notice of termination;
- (e) dismiss him.

(3) Before any action is taken under sub-clause (1) or (2), the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(4) The Administrative Body shall be informed simultaneously about the action taken under sub-clauses (1) and (2).

37. Termination of employment.—(1) The employment of a registered dock worker in the Reserve Pool who is available for work shall not be terminated by the Special Officer except—

- (a) by dismissal in the case of misconduct; or
- (b) by giving him fourteen days' notice in writing for any other justifiable cause; or
- (c) so as to enable the worker to be employed in accordance with the provisions of the Scheme.

(2) A registered dock worker in the Reserve Pool who is available for work shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board or except where he is to be employed in accordance with the provisions of the Scheme.

(3) Where the employment of a registered dock worker by the Board has been terminated under paragraph (1)(a) or (b), or under paragraph (2) by a notice given by him, his name shall forthwith be removed from the register or record by the Administrative Body.

38. Appeals to Appeal Tribunal.—(1) If a registered dock worker who is available for work is aggrieved by any order under which he—

- (a) is not entitled to any payment under clause 34 by reason of any of the grounds specified in clause 35 or 36; or
- (b) is suspended from the Scheme; or
- (c) is not properly grouped or regrouped in the register or record; or
- (d) is to be removed from the register or record under paragraphs (1) (a) and (3) of clause 37; or
- (e) is to be given a notice of termination of his employment in accordance with paragraph (1) (b) of clause 37;

he may, within seven clear days of the date of the order or, as the case may be, of the date of the receipt of the notice terminating his employment, prefer an appeal in writing to the Appeal Tribunal:

Provided that the Appeal Tribunal may, for reasons to be recorded, admit an appeal preferred after the expiry of seven days:

Provided further that no such appeal shall lie where due notice has been given of the removal of the name of the registered dock worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof:

Provided further, that an appeal shall lie where the registered dock worker alleges that he does not belong to the class or description of dock workers referred to in the preceding proviso.

(2) The Appeal Tribunal shall, as soon as practicable, hear and decide the appeal, and if the appeal is allowed, it shall have power to order that the appellant shall be entitled to receive any payment or any part thereof which may be held to be due to him under clause 34 or that he shall be grouped in accordance with the decision of the Tribunal from such date as it may fix or that his name shall be restored in the register or record as from such date as it may fix. The Appeal Tribunal shall also have the power to vary, modify or alter the penalty imposed but it shall not have power to increase any penalty imposed or to impose a more severe penalty.

(3) An appellant shall not be entitled to be represented by a legal practitioner before the Appeal Tribunal, but he shall be entitled to be represented by a representative of the registered Trade Union of which he is a member or by a registered dock worker.

(4) The decision of a majority of an Appeal Tribunal shall be the decision of the Tribunal and shall be final and conclusive. Such decision shall be forthwith given effect to by the Board and the Administrative Body.

39. Appeal to Board.—(1) A registered employer who is aggrieved by an order,

(a) giving him a warning in writing under clause 36(1) (a),

(b) directing a notice to be given to him under clause 36(1) (b) that his name will be removed from the employers' register,

may within seven clear days of the date of the order or as the case may be, the date of the receipt of the notice of removal from the employers register, prefer an appeal to the Board, who shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(2) A stevedore or a worker who has been refused registration under clause 10(1) (b), clause 10(1) (c) or clause 13 as the case may be, shall have a right of appeal to the Board within seven clear days of the date of such refusal and if the original refusal is by the Board the appeal shall lie to the Appeal Tribunal.

(3) A registered dock worker in the Reserve Pool who is aggrieved by an order of the Administrative Body, made under clause 29 (4) (b), requiring him to undertake any work, which is not of the same category to which he belongs, may prefer an appeal to the Board within seven clear days of the date of such order.

40. Suspension of notice in case of certain appeals.—Where an appeal is lodged in accordance with the provisions of clause 38, the Appeal Tribunal may suspend the operation of the order appealed from (except where the order is of dismissal or of disentitlement under clause 35) pending the hearing and disposal of the appeal.

41. Cost of operating the Scheme.—(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board in the manner following:—

Every registered employer shall pay to the Board—

(a) such amount, whether by way of percentage on the gross wages payable by him under clause 30 (6) or as otherwise agreed, together with and at the same time as the payment of those wages; and

(b) at the same time as the payment under sub-paragraph (a), such amount whether by way of percentage on the gross wages shown as due to monthly workers in the return made under clause 30 (5) or as otherwise agreed;

as the Board may in either case from time to time notify by public notice.

(2) In determining what payments are to be made by registered employers under paragraph (1) of this clause, the Board may fix different percentages for different

categories of work or workers, provided that the percentages shall be so fixed that the like percentages will apply to all dock employers who are in like circumstances.

(3) The Board shall not sanction any levy exceeding fifty percent of gross wages without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the purposes of the payment of the gross wages set out in clause 30 (6) and the percentage payments set out in paragraph (1) (a) and (b) of this clause, as the Board may consider necessary.

(5) The Administrative Body shall furnish from time to time to the Board all such statistical and other information as may reasonably be required relating to the operation and finance of the Scheme.

42. Penalties.—A contravention of clause 31 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of a subsequent contravention or with fine not exceeding five hundred Rupees in respect of a first contravention or one thousand Rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

THE SCHEDULE

[See clause 2(2)]

Classes or descriptions of dock work and dock workers to which the Scheme applies.

1. Stevedoring work other than coal work
- 2 The following categories of stevedore workers.—
 - (I) Foreman;
 - (II) Chargeman;
 - (III) Stevedore Tindal,
 - (IV) Winchman;
 - (V) Hatch-Foreman;
 - (VI) Khalasi;
 - (VII) Stevedore Worker;
 - (VIII) Cleaning Tindal.
 - (IX) Cleaning Worker.

[No. Fac. 73(1).]

K. N. SUBRAMANIAN, Joint Secy.